



THE CITY OF NEW YORK
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August 15, 2023

VIA ECF

Honorable P. Kevin Castel
District Court Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Application GRANTED.
SO ORDERED.
8/16/2023


P. Kevin Castel
United States District Judge

Re: *Josue G. Torres v. City of New York et al.*, 23-CV-04258 (PKC)

Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and attorney for defendant City of New York in the above referenced matter. In that capacity, I write to respectfully request a sixty day enlargement of time, from August 15, 2023 to October 14, 2023, for the City to answer or to otherwise respond to the complaint and for the Court to, *sua sponte*, grant the same enlargement of time for defendants Keechant L. Sewell, Amy J. Litwin, Lauren Silverstein, Christine M McGrath, Denis O'Hanlon, Barry Driscoll, James Wilson, and Elvis Cornea so as not to jeopardize their defenses while representation issues are being resolved. This is the second request for an enlargement of time to respond to the complaint and Plaintiff's counsel, Eric Sanders, consents to this request.

By way of background, Plaintiff Josue Torres alleges that he was falsely arrested, maliciously prosecuted, denied access to the Courts, and subjected to gender discrimination based on false complaints made by the complaining victim. These false complaints made by the complaining victim entail, among other things, Plaintiff allegedly assaulting the complaining victim, choking the minor child he as with the complaining victim, and kicking the minor child in the head. Based on these complaints, Plaintiff alleges that he was arrested for assaulting the complaining victim, which resulted in a plea to PL 240.20 Disorderly Conduct, and for violating an order of protection, which was dismissed. Plaintiff also claims that these arrests, which would have been voided if not for the gender bias of defendants, negatively impacted his employment with the NYPD and required him to wrongfully go through the NYPD disciplinary and review process, which ultimately led to a Final Order of Dismissal which has yet to be adopted.

As an initial matter, the undersigned sincerely apologizes to the Court and Plaintiff for the delay. The reason for the instant request is that due to an inadvertent internal oversight by this office, a §160.50 release was never forwarded to Plaintiff's counsel for Plaintiff's execution. As Your Honor is aware, because Plaintiff alleges that the charges against him for his second arrest were dismissed, upon information and belief, the underlying police, District Attorney and criminal court records are sealed pursuant to New York Criminal Procedure Law § 160.50/55. Accordingly, the undersigned has not been able to access any of these relevant documents to investigate the allegations set forth in the complaint. In an effort to move this case forward and prevent any further delay, Defendants have provided, and Plaintiff counsel has acknowledged receipt of, the relevant §160.50/55 release for his client's execution and the parties hope to have this release executed shortly. As Your Honor may recall, an initial conference is currently scheduled for November 6, 2023 at 11:30 a.m., and therefore, the requested enlargement of time should not impact any current deadlines in this case.

For the reasons set forth herein, it is respectfully requested that all defendants' time to respond to the complaint be extended until October 14, 2023. I thank the Court for its time and consideration of the within request.

Respectfully submitted,

Thomas Lai s/

Thomas Lai

Senior Counsel

Special Federal Litigation Division

To: **VIA ECF**
Eric Sanders
Attorney for Plaintiff